PROTOCOL AND GUIDELINES

for

CHILD PROTECTION WORKERS AND SCHOOL PERSONNEL

in the

STRAIT REGIONAL SCHOOL COMMUNITY

entered into by

Children's Aid Society of Inverness-Richmond
Department of Community Services, Antigonish
Department of Community Services, Guysborough
Mi'kmaq Family and Children's Services of Nova Scotia
Strait Regional School Board

AUGUST 24, 2001

TABLE OF CONTENTS

Introduction 1
An Integrated and Cooperative Approach 2

Glossary of Terms 3

Duty to Report 5
Reportable Abuse and Neglect 5
Legislative Framework for Intervention 6
When to Report 6
Legal Responsibility to Report 8

Reporting and Investigation Procedures 10
Reporting 10
Access to Students 10
Interviews of School Personnel 11
Notification of Parents 12
Presence of School Personnel during Investigative Procedure 12
Outcome 13

Ongoing Child Welfare Intervention 14
Ongoing Access to Students at School 14
Conflict Resolution 14

APPENDICES

Contact Information
Child Welfare Agencies in the Strait Region ..... Appendix A

Intake Form for Cases of Suspected Child Abuse and Neglect
for use by Schools in the Strait Region ..... Appendix B

INTRODUCTION

This manual is designed to provide a coordinated response in child abuse investigations for the Strait Regional School Community. It replaces the former Protocol distributed in September 1992, and integrates investigative procedures for all forms of child abuse and neglect into one manual. It does not specifically deal with issues of child abuse prevention and treatment. It is also intended to incorporate the requirements of the Children and Family Services Act which was proclaimed effective September 3, 1991.

Depending on where the family resides the school shall report to the Child Protection Agency that has jurisdiction within that area. Residents of Inverness-Richmond Counties shall report suspicions of child abuse to the Children's Aid Society of Inverness-Richmond (625-0660). Residents of Guysborough County shall report to the Department of Community Services in Guysborough (533-2197). Residents of Antigonish County and the District of St. Mary's shall report to the Department of Community Services in Antigonish (863-3213). All offices offer 24 hour emergency services. Phone numbers for after-hours emergency can be located in the appendix of this document.

Child protection workers and investigating police officers are the primary professionals involved. The medical community, schools, daycare centers, mental health services and community resources all play an important part as well. It is hoped that the procedures described here will help professionals identify their legal responsibilities and provide information regarding what they should expect in the process of investigation.

Professionals are required by law to report to the Child Protection Agency reasonable grounds to suspect abuse which arise in the course of providing their professional or official duties.

The police are responsible for investigating alleged violations of the Criminal Code with regard to complaints of abuse.

The Child Protection Agency is responsible for the safety of the child and for investigating whether a child is "in need of protective services" as mandated by the Children and Family Services Act.

AN INTEGRATED AND COOPERATIVE APPROACH

Child protection staff, school personnel, and the police recognize that the safety and well being of children are of paramount concern and that a cooperative and collaborative approach in response to any allegation of child abuse or neglect is essential. When children are subjected to physical, sexual or emotional abuse, or when there is persistent neglect, children are traumatized and their development is adversely affected. The consequences of such acts or omission or commission are often far-reaching and may result in some of the following characteristics or behaviours: poor self-image, depression, running away from home, poor school achievement, drug and/or alcohol abuse, prostitution and suicide. The essential elements in breaking such destructive cycles include prevention, early detection and effective intervention.

Recognizing that in all cases the safety and well-being of the child takes precedence, Department of Community Services or Children's Aid Society must be notified immediately when there are reasonable grounds to believe a child is in need of protective services. When there is a possibility that a criminal offense has occurred - such as in physical or sexual abuse cases - police also have an important role in such investigations to ensure the requirements of both the Criminal Code and the Children and Family Services Act have been met. While the police have the authority and responsibility to investigate situations in which a crime may have been committed, the primary responsibility and mandate for child welfare investigations rests with the Children's Aid Society and/or Department of Community Services. Child protection workers are required, by department policy, to notify and involve the police in child welfare investigations where there are reasons to believe an offense may have been committed. Therefore, school personnel must direct their child protection concerns to a child welfare worker. However, this does not preclude school authorities from also notifying the police in matters involving serious forms of abuse.

It is important to note that under the law, regardless of internal procedures/policies for different school districts, the obligation to report lies with the individual and has not been discharged until he/she is certain that a report has been made to Children's Aid Society or the Department of Community Services office. This document represents the minimum preferred practice guidelines to govern the interface between child welfare staff and school personnel.

GLOSSARY OF TERMS

SCHOOL PERSONNEL

Anyone working on the auspices of the school board, i.e. employees, persons on contract, interns, volunteers, or any others that work directly or indirectly with students.

CAREGIVER

Anyone having the responsibility of caring for a child on a short-term or long-term basis.

DEFINITION OF CHILD

While the age of majority is 19 years, the focus of this protocol is on children who are under 16 years of age.

EXTRA-FAMILIAL CHILD ABUSE

The abuse of a child by a non-family member (friend, acquaintance or stranger).

INTRA-FAMILIAL CHILD ABUSE

The abuse of a child by a family member (parent, parent's common-law partner, guardian, sibling, relative).

INTAKE CHILD PROTECTION WORKER

The Child Protection Agency worker who receives referrals coming into the Agency.

INVESTIGATION

Refers to the joint Police-Child Protection Agency investigation unless otherwise specified.

ORDER OF SUPERVISION

An order made by a Judge of the Supreme Court, Family Division pursuant to the Children and Family Services Act, after a finding that the child is in need of protection, which returns the child to, or leaves the child in the home of a parent/person in charge or another person subject to compulsory supervision by the Child Protection Agency. The Court may impose reasonable terms and conditions relating to the child's care and supervision.

PROTECTION APPLICATION

An application which must be filed at the Supreme Court, Family Division, requesting a hearing to find a child in need of protective services pursuant to the Children and Family Services Act. When a child has been taken into care, a protection application must be filed immediately so that a hearing may take place within 5 working days of the child's coming into care.

TAKEN INTO CARE (APPREHENSION) under Section 33 of the Children and Family Services Act, is the legal removal of the child from the care of his/her parent(s) or caregiver.

RESTRAINING ORDER

An order made by the Court restraining or prohibiting a person's access to or contact with another person.

TEAM

Unless identified, refers to the joint Police-Child Protection Agency investigating team.

DUTY TO REPORT

REPORTABLE ABUSE AND NEGLECT

Abuse of a child can be grouped under four main categories. In all of these categories the abuse or neglect has happened or there is a substantial risk that it may occur.

A. Physical Abuse

Physical abuse is a deliberate non-accidental physical assault on a child that results in physical harm. Physical abuse may also result from excessive or inappropriate discipline. The injuries sustained by the child may vary in severity and range from minor bruising, burns, welts or bite marks or major fractures of the long bones or skull, and in its most extreme form, the death of a child.

B. Sexual Abuse

Sexual abuse is a generic term used to describe a range of sexual activity/behaviour perpetrated towards a child (under 16 years of age), with or without the child's consent, for the sexual gratification of the other person. The abuse can occur within the family (intra familial) or outside the family (extra familial) and can be homosexual or heterosexual in nature. Examples can include instances where a child is encouraged, coerced, forced or even enticed into acts such as sexual molestation, fondling, sexual intercourse, fellatio, cunnilingus, exhibitionism, or any sexual exploitation including pornography.

C. Emotional Abuse

Emotional abuse is the most difficult type of abuse to define and identify. It may range from habitual humiliation of the child to the withholding life-sustaining parenting . If a child is told often enough that he or she is no good and will come to a bad end, he or she may come to believe it and act accordingly. Similarly, lack of nurturing (holding, cuddling, and warm verbal communication) in the early years can be very damaging. Combined with verbal abuse, it can cause a child great suffering.

The abuse is persistent or chronic on the part of the caregiver and results in some degree of emotional damage to the child, evidenced by severe anxiety, withdrawal, or self-destructive or aggressive behaviour. This form of abuse may occur separate from, or along with, other forms of abuse or neglect. Children with emotionally abusive parents may exhibit or react with behaviours similar to children to have been physical or sexually abused.

D. **Child Neglect**

Child Neglect is a chronic and serious omission on the part of the parent/guardian that results in physical harm to the child. It does not include emotional harm. The term "chronic" demands that the neglect constitutes a pattern of conduct over a period of time. The term "serious" conveys a marked and substantial departure from the standard of care expected of a reasonable parent.

LEGISLATIVE FRAMEWORK FOR INTERVENTION

In Nova Scotia, the Children and Family Services Act (September 1991) provides the mandate for intervention by Children's Services Agencies. It outlines the grounds under which a child may be found to be in need of protective services, or a victim of physical, sexual, or emotional abuse, and, as well, the grounds under which a child may be taken into care.

Under the Children and Family Services Act, a "child" means a person under sixteen (16) years of age.

For the purpose of this protocol, Section 22(2), Section 23, Section 24, Section 25(1), Section 25(2), Section 32, Section 33(1) and Section 33(2) provide the legal framework for Agency intervention into allegations of abuse or neglect.

WHEN TO REPORT

Section 22(2) of the **Children and Family Services Act** states that a child is in need of protective services where:

(a) the child has suffered physical harm inflicted by a parent or guardian of the child or caused by the failure of a parent or guardian to supervise and protect the child adequately;

(b) there is a substantial risk that the child will suffer physical harm inflicted or caused as described in clause (a);

(c) the child has been sexually abused by a parent or guardian of the child, or by another person where a parent or guardian of the child knows or should know of the possibility of sexual abuse and fails to protect the child;

(d) there is a substantial risk that the child will be sexually abused as described in clause (c);

(e) the child requires medical treatment to cure, prevent or alleviate physical harm or suffering, and the child's parent or guardian does not provide, or refuses or is unavailable or is unable to consent to, the treatment;

(f) that the child has suffered emotional harm, demonstrated by severe anxiety, depression, withdrawal, or self-destructive or aggressive behaviour and the child's parent or guardian does not provide, or refuses or is unavailable or unable;

(g) there is a substantial risk that the child will suffer emotional harm of the kind described in clause (f), and the parent or guardian does not provide, or refuses, or is unavailable or unable to consent to, services or treatment to remedy or alleviate the harm;

(h) the child suffers from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child's development and the child's parent or guardian does not provide, or refuses, or is unavailable or unable to consent to services or treatment to remedy or alleviate the condition;

(i) the child has suffered physical harm caused by chronic and serious neglect by a parent or guardian of the child, and the parent or guardian does not provide, or refuses or is unavailable or unable to consent to, services or treatment to remedy or alleviate the harm;

(j) the child has suffered physical harm caused by chronic and serious neglect by a parent or guardian of the child, and the parent or guardian does not provide, or refuses or is unavailable or unable to consent to, services or treatment to remedy or alleviate the harm;

(ja) there is substantial risk that the child will suffer physical harm inflicted or caused as described in clause (j);

(k) the child has been abandoned, the child's only parent or guardian has died or is unavailable to exercise custodial rights over the child and has not made adequate provisions for the child's care and custody, or the child is in the care of an agency or another person and the parent or guardian of the child refuses or is unable or unwilling to resume the child's care and custody ;

(l) the child is under twelve years of age and has killed or seriously injured another person or caused serious damage to another person's property, and services or treatment are necessary to prevent a recurrence and a parent or guardian of the child does not provide, or refuses or is unavailable or unable to consent to, the necessary services or treatment;

(m) the child is under twelve years of age and has on more than one occasion injured another person or caused loss or damage to another person's property, with the encouragement of a parent or guardian of the child or because of the parent or guardian's failure or inability to supervise the child adequately.

LEGAL RESPONSIBILITY TO REPORT

Section 23 of the **Children and Family Services Act** for Nova Scotia states:

(1) Every person who has information, whether or not it is confidential or privileged, indicating that a child is in need of protective services shall forthwith report that information to an Agency.

(2) No action lies against a person by reason of that person reporting information pursuant to subsection (1), unless the reporting of that information is done falsely and maliciously.

(3) Every person who contravenes subsection (1) commits an offense.

Section 24 of the same Act states:

(2) Notwithstanding any other act, every person who performs professional or official duties with respect to a child, including (b) a teacher, school principal, social worker, family counsellor, member of the clergy, operator or employee of a daycare facility; (d) operator or employee of a child caring facility or child care service; who in the course of that person's professional or official duties, has reasonable grounds to suspect that a child is or may be suffering or may have suffered abuse shall forthwith report the suspicion and the information upon which it is based to an agency.

Under this act, any school personnel, to include employees or volunteers, who has reasonable grounds to suspect a child may be abused or neglected has a legal obligation to report the matter to the local Children's Services Agency. Failure to do so may constitute an offense punishable by not more than $5,000 and/or imprisonment for a period not exceeding one year.

Abuse or neglect need not have already occurred for a child to be in need of protection. It is not necessary to wait until a child has been harmed to make a report. When there are reasonable grounds to believe a child is in need of protective services, the legal obligation to report applies. When the alleged abuse is "third party", that is the alleged perpetrator is someone other than the child's parent or guardian (ie. school personnel), you must have information/concerns that the child may have suffered abuse in the past or may be currently suffering abuse.

Where there is doubt about whether to report, consult with the intake worker at the nearest Children's Services Agency office.

It is the school personnel's responsibility to report suspicion or disclosure of abuse. It is not the school personnel's responsibility to investigate or "prove" that abuse is taking place. A report raises the concern and is a request for an investigation. The actual investigation is not to be done by school personnel, but by a Children's Service Agency.

Where the school personnel reports allegations to the principal or designate, and the principal or designate does not feel the matter warrants reporting, the school personnel **SHALL** exercise their responsibility to report if they believe the allegations should be reported.

Section 25 (1) of the **Children and Family Services Act** states that "abuse by a person other than a parent or guardian" means that a child

(a) has suffered physical harm, inflicted by a person other than a parent or guardian of the child or caused by the failure of a person other than a parent or guardian of the child to supervise and protect the child adequately.

(b) has been sexually abused by a person other than a parent or guardian or by another person where the person, not being a parent or guardian, with the care of the child knows or should know of the possibility of sexual abuse and fails to protect the child;

(c) has suffered serious emotional harm, demonstrated by severe anxiety, depression, withdrawal, or self-destructive or aggressive behaviour, caused by the intentional conduct of a person other than a parent or guardian.

Section 25(2), Duty to report third-party abuse, states that "Every person who has information, whether or not it is confidential or privileged, indicating that a child is or may be suffering or may have suffered abuse by a person other than a parent or guardian shall forthwith report the information to an agency".

REPORTING AND INVESTIGATION PROCEDURES

The investigation of a child protection complaint may be conducted by a duly authorized child welfare worker from a Children's Aid Society or Department of Community Services, with assistance from the police, where appropriate. These responsibilities cannot and should not be assumed by school personnel. It is in the child's best interest to be interviewed by the responsible authorities who are trained and authorized to carry out such investigations. However, the cooperation of school personnel and other authorities, throughout an investigation, is essential for an integrated and effective response.

The following procedures should be adhered to by school personnel and the child welfare authorities:

1. REPORTING

1.1 All school personnel who may have reason to believe a child is in need of protective services shall **immediately upon receipt of information**, report the situation to the Child Protection Agency. Whenever possible the school personnel shall inform the principal or designate that a report is or has been made to the Child Protection Agency.

All persons aware of the abuse have a legal responsibility to ensure that it is reported to the Child Protection Agency.

1.2 Any statement made by a child to a school personnel should be recorded in the child's own words and this information will be documented on the intake form. Such recording should generally not occur in the presence of the child. School personnel, while offering support, should refrain from initiating further interviews with the child after receiving the child's first disclosure. Any drawings or writings made by the child, in reference to the disclosure, should be forwarded to the Agency.

1.3 Knowledge of the suspected case of child abuse or neglect is confidential and is to be restricted to the staff member initiating the report, the principal and any other School Board personnel, as necessary.

2. ACCESS TO STUDENTS

2.1 Children and Family Services Act (1991) requires the investigation of any report of a child believed to be in need of protective services and provides authority for child welfare workers and police officers to conduct such investigations. An investigation will result in a

determination of whether or not the child is in need of protection and whether further intervention, by way of agreement or Court Order, is necessary for the future protection of the child. Frequently, child welfare workers and/or police will request access to a student at school in order to conduct the preliminary interview and investigation. This interview site is often appropriate due to the importance of timely investigations of reports of abuse, and because the school provides a safe, neutral environment for the child being interviewed. An interview at the child's school may eliminate the need for more coercive or intrusive intervention - e.g. apprehension of the child from school or home to allow the investigative interview to occur.

Therefore, school personnel are required to facilitate access to students at school by child welfare workers and/or the police for the purpose of investigating allegations of abuse or neglect.

2.2 Investigators are expected to consider the convenience of the school and student in arranging an interview, and should attempt to minimize any possible stigmatization of the student as a result of the interview.

2.3 The principal should ask the child welfare worker or police officer to present identification cards and to state their reasons for conducting the interview in the school.

2.4 Where the alleged perpetrator is school personnel, it may be in the child's best interest to be interviewed somewhere other than the school, or at a place more neutral to the child.

2.5 Where the child has siblings or the alleged offender has children, or other children have been in the offenders care or supervision, the Police - Child Protection team may interview them separately and in private. Where the alleged perpetrator has access to other children the team shall assess the potential for risk to these children. Upon assessment of potential risk it may be deemed necessary to conduct interviews with these children.

3. INTERVIEWS OF SCHOOL PERSONNEL

3.1 Investigators may wish to interview school personnel who have regular contact with the child, or who may have other specific information relevant to the investigation.

3.2 The principal will assist the investigator(s) by facilitating these contacts.

3.3 School personnel will provide all pertinent information to the investigator(s).

3.4 Since potential informants may be subsequently required to provide evidence under oath at a Court proceeding, school personnel should summarize in writing any information

provided to the investigator(s) immediately following the interview. This documentation should be retained by school personnel, in a confidential manner, for future reference.

4. NOTIFICATION OF PARENTS

4.1 The responsibility for notifying parents about an investigation rests with the external investigator (child welfare worker or police officer).

4.2 Depending on the nature of the alleged abuse or neglect, the investigator will make every effort to notify the non-offending parent if this is possible without jeopardizing the interview investigation process.

4.3 The principal should clarify with the child welfare investigator when contact with the parents will be made.

4.4 If the child is apprehended from the school, or his/her return to the parental home is delayed because of the investigation, and the principal subsequently is contacted by the parents because the child has not yet returned home, the principal should provide the investigator's name and Agency telephone number.

4.5 If child is apprehended from school, the child protection worker shall provide principal, or designate, with a copy of the notice of taking into care.

5. PRESENCE OF SCHOOL PERSONNEL DURING INVESTIGATIVE INTERVIEW

5.1 The school personnel's responsibility for the safety and well being of a student in regard to matters under the Children and Family Services Act is met if a referral is immediately made to the Agency and by cooperating and assisting with child welfare investigations. All subsequent child welfare concerns regarding the student must be reported as per (Section 1.1) of this document.

5.2 An effective initial interview with a victim of alleged abuse or neglect should occur under circumstances that will encourage the child to speak freely and openly to the investigating authorities about sensitive and potentially threatening personal matters. At the same time, it is important to recognize and preserve the family reputation and right to privacy.

5.3 In the interests of confidentiality and fully undistorted disclosure, it is generally most appropriate for the investigator(s) to interview the child alone.

5.4 Occasionally a student may request or require the supportive but non-participating presence of a familiar school employee. The investigator(s) and school personnel will consult on the appropriateness of having a school representative present during the interview.

5.5 The joint investigative team will assess the appropriateness of a videotaped interview, particularly, in sexual abuse investigations.

5.6 Upon completion of the interview and while the child is in the school and until the parents are notified, the principal (or designate) or a support person (a teacher or counsellor) should be available to render assistance to the child. The child may experience difficulty reintegrating back into the classroom session.

6. OUTCOME

6.1 Following the investigation conducted by the child welfare worker, contact with the parents by the worker will occur as soon as possible, usually the same day.

6.2 The child welfare worker will assess the need for any service(s) required by the child or family, and will determine the need for further intervention or closure of the matter.

6.3 The child protection worker will provide feedback to those school personnel directly involved concerning outcome of the investigation as directed by provincial standards manual.

ONGOING CHILD WELFARE INTERVENTION

When child abuse or neglect is confirmed, Child Protection Staff of the Children's Aid Society or Department of Community Services will determine what further action is necessary to ensure the protection of the child. There are a range of short-term and long-term intervention and treatment options which include, but are not limited to, the following: referral to a Community Agency, counselling and/or other support services for child in a treatment facility, permanent guardianship, adoption, and so forth. However, the Agency is committed to using the least intrusive measures possible which protect the child and contribute to the rehabilitation of the family unit.

In extreme circumstances it may be necessary to apprehend the child(ren) to ensure their immediate safety as outlined in the Children and Family Services Act.

Section 33(1) states that where child protection staff have reasonable and probable grounds to believe that a child is in need of protective services and the child's health or safety cannot be protected adequately otherwise than by taking the child into care, the agency may, at any time before or after an application to determine whether a child is in need of protective services has been commenced, without warrant or court order, take a child into care.

Section 33(2), states that a "Notice of Taking" will be served upon a parent or guardian upon taking a child into care.

1. ONGOING ACCESS TO STUDENT AT SCHOOL

1.2 If the child protection worker believes there is justifiable reason for requesting ongoing access to a student during school hours, the worker will negotiate with the principal a mutually agreed upon arrangement.

1.3 The child protection worker will give consideration to the needs of the school and the student in negotiating such access arrangements, and will attempt to minimize any possible stigmatization of the student as a result of such contacts occurring at school.

1.4 If it is agreed that interviews by the child protection worker may take place at school, the worker will proceed to the school office, provide identification if requested, and allow school personnel to arrange for the student's attendance at an appropriate interview area.

2. CONFLICT RESOLUTION

Should the child protection worker and the principal be unable to achieve resolution regarding matters arising from the requested access by the worker to the student during

school hours, the concerns should be immediately referred to the supervisors of the respective parties.

This Protocol is to be reviewed annually by the parties or their designates.

SIGNED at Dundee, Nova Scotia, August 24, 2001

Michael Melnyk, Executive Director
Children's Aid Society Inverness-Richmond

Lisa Smith, District Manager
Department of Community Services in Antigonish

Harold Roberts, District Manager
Department of Community Services in Guysborough

Joan Glode, Executive Director
Mi'kmaq Family & Children's Services of Nova Scotia

Phonse Gillis, Superintendent of Schools
Strait Regional School Board

APPENDIX A

CONTACT INFORMATION
CHILD WELFARE AGENCIES IN THE STRAIT REGION

Children's Aid Society of Inverness-Richmond

8:30 am - 4:30 pm	Phone (902) 625-0660 - request to speak to intake worker
Emergency ***after hours***	Phone (902) 625-1320 - request to speak to duty worker

Guysborough District Office, Department of Community Services

8:30 am - 4:30 pm	Phone (902) 533-4007 - request to speak to intake worker
Emergency ***after hours***	Phone (902) 863-2830 - request to speak to duty worker

Antigonish District Office, Department of Community Services

8:30 am - 4:30 pm	Phone (902) 863-3213 - request to speak to intake worker
Emergency ***after hours***	Phone (902) 863-2830 - request to speak to duty worker

Mi'kmaq Family and Children's Services of Nova Scotia

Eskasoni office
8:30 am - 4:30 pm Phone (902) 379-2433 or 1-800-263-8300

Indian Brook office
8:30 am - 4:30 pm Phone (902) 758-3553 or 1-800 263-8686

After hours number for **both Eskasoni and Indian Brook offices**: 1-800-263-8686

Strait Regional School Board

INTAKE FORM

FOR CASES OF SUSPECTED CHILD ABUSE AND NEGLECT

Full name of child _____ **Age** _____

Address _____ **Grade** _____

_____
Postal code

Present school _____

Address of school _____

_____ **School Phone #** _____
Postal code

Name(s) of parent(s) or guardian(s) _____

Address (if different from that of child) _____

_____ **Phone #** _____
Postal code

Why is referral being made at this time? _____

_____

_____

_____

_____

Referral information [Provide detailed account. Include date(s) of incident(s)] _____

_____

_____

_____

_____

_____

_____

_____

Name of person making report _____

Position _____

Address _____

_____ **Phone #** _____

Postal code

Date of report _____

Principal's name _____

Name(s) of other member(s) of school staff involved and/or aware of problem:

_____

_____

_____

_____

_____

_____

.....

Signature of Referral Person

Date .....

.....

Signature of Principal or Supervisor

Date.....